

Conference Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 337

HOUSE BILL 2298

AN ACT

AMENDING TITLE 13, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-804.01; AMENDING SECTIONS 13-809, 22-301 AND 31-121, ARIZONA REVISED STATUTES; REPEALING SECTION 28-694, ARIZONA REVISED STATUTES; RELATING TO INCARCERATION COSTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 8, Arizona Revised Statutes, is amended
3 by adding section 13-804.01, to read:

4 13-804.01. Reimbursement of incarceration costs; misdemeanors

5 A. THE COURT SHALL ORDER A PERSON WHO IS CONVICTED OF A MISDEMEANOR
6 OFFENSE AND WHO IS SENTENCED TO A TERM OF INCARCERATION TO REIMBURSE THE
7 POLITICAL SUBDIVISION THAT IS RESPONSIBLE FOR THE COSTS OF THE PERSON'S
8 INCARCERATION FOR THE INCARCERATION COSTS.

9 B. THE COURT MAY DETERMINE THE AMOUNT OF INCARCERATION COSTS TO BE
10 PAID BASED ON THE FOLLOWING FACTORS:

11 1. THE PER DIEM PER PERSON COST OF INCARCERATION INCURRED BY THE
12 POLITICAL SUBDIVISION THAT INCARCERATES THE PERSON.

13 2. THE PERSON'S ABILITY TO PAY PART OR ALL OF THE INCARCERATION COSTS.

14 Sec. 2. Section 13-809, Arizona Revised Statutes, is amended to read:

15 13-809. Priority of payments; application to traffic offenses;
16 orders to reimburse public monies

17 A. If a defendant is sentenced to pay a fine OR INCARCERATION COSTS,
18 payment and enforcement of restitution take priority over payment to the
19 state.

20 B. Section 13-804 does not apply to traffic offenses, except for a
21 violation of section 28-661, 28-693, 28-1381, 28-1382 or 28-1383 or any local
22 ordinance relating to the same subject matter of such sections.

23 C. The court may impose an additional fine on sentencing for any
24 offense to require that the defendant reimburse the law enforcement agency
25 for any public monies paid to any person.

26 Sec. 3. Section 22-301, Arizona Revised Statutes, is amended to read:

27 22-301. Jurisdiction of criminal actions

28 A. The justice of the peace courts shall have jurisdiction of the
29 following offenses committed within their respective precincts in which such
30 courts are established, subject only to the right to change of venue as
31 provided by law:

32 1. Misdemeanors and criminal offenses punishable by a fine not
33 exceeding two thousand five hundred dollars, or imprisonment in the county
34 jail for not to exceed six months, or by both a fine and imprisonment. A
35 penalty assessment levied pursuant to section 12-116.01 or 12-116.02 shall
36 not be considered as part of the fine for purposes of determining
37 jurisdiction. The amount of restitution or incarceration costs levied
38 pursuant to section 13-804, 13-809 or 28-1444 shall not be considered as part
39 of the fine for purposes of determining jurisdiction.

40 2. Felonies, but only for the purpose of commencing action and
41 conducting proceedings through preliminary examinations and holding the
42 defendant to answer to the superior court or to discharge the defendant if
43 it appears that there is not probable cause to believe the defendant is
44 guilty of an offense.

1 B. For purposes of subsection A of this section, an offense is
2 committed within the precinct of a justice of the peace court if conduct
3 constituting any element of the offense or a result of such conduct occurs
4 within the precinct.

5 Sec. 4. Repeal

6 Section 28-694, Arizona Revised Statutes, is repealed.

7 Sec. 5. Section 31-121, Arizona Revised Statutes, is amended to read:

8 31-121. Duty of sheriff to receive and provide for prisoners;
9 contracts for furnishing food; city or town
10 prisoners; employment; canteens; special services
11 fund; insurance; education programs

12 A. The sheriff shall receive all persons committed to jail by
13 competent authority and provide them with necessary food, clothing and
14 bedding, the cost of which shall be a county charge or, if a county jail
15 district has been established, a charge of the district, except as otherwise
16 provided by law.

17 B. Notwithstanding subsection A of this section, the sheriff may
18 establish procedures to recover from the inmate the cost of providing the
19 inmate with necessary food. The cost to the inmate shall not exceed one
20 dollar per day. All meal costs recovered from the inmate shall be used for
21 meal preparation or to improve meal quality.

22 C. The county board of supervisors or board of directors of a county
23 jail district may enter into contracts for furnishing food for persons
24 confined in the county jail, but such contract shall not be made for a period
25 longer than one year.

26 D. A person who is arrested by a peace officer employed by a city or
27 town and thereafter charged in a municipal court as defined in section 22-401
28 may be housed in a county jail. The costs of this incarceration shall be
29 paid by the city or town which established the municipal court in which the
30 charges are to be filed. A person who is convicted in a municipal court may
31 be sentenced to a county jail. The costs of this incarceration shall be paid
32 by the city or town which established the municipal court in which the
33 sentence was rendered. A person arrested by a peace officer employed by a
34 city or town and thereafter charged in the superior court or a justice of the
35 peace court may be housed in a county jail. The costs of this incarceration
36 are a county expense. Two or more cities, towns or counties may enter into
37 agreements with one another for joint or cooperative action pursuant to
38 section 11-952.

39 E. Notwithstanding subsection D of this section, the cost for
40 providing for prisoners committed to the county jail by competent authority
41 of the county or any political subdivision in the county shall be borne by
42 the county jail district in any county in which such district, pursuant to
43 title 48, chapter 25, is established and operating.

44 F. Any prisoner accepted by the county jail may be employed as
45 provided by section 31-141.

1 G. At the discretion of the board of supervisors or board of directors
2 of a county jail district, the sheriff may maintain a canteen pursuant to
3 this subsection at any jail facility under the sheriff's jurisdiction to sell
4 to confined persons toilet articles, candy, tobacco products, notions and
5 other sundries and may provide the necessary facilities, equipment, personnel
6 and merchandise. The sheriff shall specify the commodities to be sold in the
7 canteen. The sheriff shall fix the prices of the commodities at such amounts
8 as will, as far as possible, render each canteen self-supporting.

9 H. A special services fund is established in the office of the county
10 treasurer. The sheriff shall deposit any canteen and charge-a-call telephone
11 profits, if such become available, in the special services fund. All profits
12 resulting from inmate services shall also be deposited in the special
13 services fund. The board of supervisors may insure against the damage or
14 loss of canteen materials, supplies and equipment owned by the county jail
15 facility.

16 I. The sheriff shall hold in trust all special services fund monies
17 for the benefit and welfare of inmates. These monies may be used for the
18 education and welfare of inmates, including the establishment, maintenance
19 and purchase of items for resale and other necessary expenses incurred in
20 operating the canteens.

21 J. The county board of supervisors or board of directors of a county
22 jail district may authorize a biennial audit of the canteen operations at any
23 jail facility referred to in this section. At the end of each intervening
24 fiscal year, the jail administration shall prepare a statement of
25 operations. At least one copy of any audit report or statement of operations
26 shall be posted both at the canteen and for inmates at designated areas.

27 K. Each county that operates a county jail shall offer an education
28 program to serve all prisoners who are under eighteen years of age and
29 prisoners who are pupils with disabilities, who are twenty-one years of age
30 or younger AND WHO ARE confined in the county jail. The county sheriff and
31 the county school superintendent shall agree on the method of delivery of the
32 education program.

33 L. THIS SECTION DOES NOT PROHIBIT A CITY OR TOWN FROM RECOVERING
34 INCARCERATION COSTS PURSUANT TO SECTION 13-804.01.

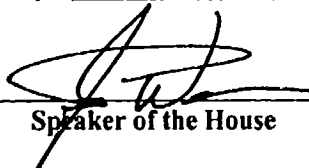
APPROVED BY THE GOVERNOR JUNE 4, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 4, 2002.

Passed the House April 2, 2002,

by the following vote: 53 Ayes,

2 Nays, 5 Not Voting

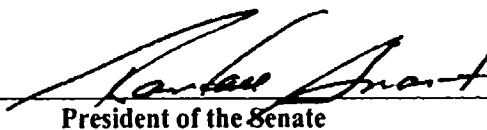

Speaker of the House

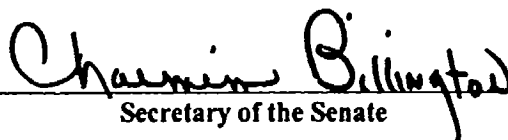

Chief Clerk of the House

Passed the Senate April 25, 2002,

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2298

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 20, 2002,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

Jake Flake
Speaker of the House
Pro Tempore
Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 21, 2002,

by the following vote: 19 Ayes,

6 Nays, 5 Not Voting

Barbara Stanger
President of the Senate
Charmian Ballinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 21 day of May, 2002

at 1:17 o'clock P M.

Santha Stang
Secretary to the Governor

Approved this 4th day of

June, 2002,

at 10:20 o'clock A M.

Janet N. Hall
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of June, 2002

at 5:31 o'clock P M.

Letty Bayless
Secretary of State

H.B. 2298